

The Honorable Robert S. Lasnik

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRUCE CORKER d/b/a RANCHO ALOHA;  
et al.

Plaintiffs,

v.

COSTCO WHOLESALE CORPORATION, a  
Washington corporation; et al.

Defendants.

CASE NO. 2:19-cv-00290-RSL

PLAINTIFFS' MOTION FOR LEAVE TO  
FILE OVERLENGTH BRIEF IN  
SUPPORT OF MOTION FOR  
SANCTIONS AGAINST DEFENDANT  
MULVADI CORPORATION

Consideration Date: November 12, 2021

Plaintiffs request leave to file a 24-page brief in support of Plaintiffs' Motion for Sanctions Against Defendant Mulvadi Corporation ("Mulvadi"), *see* Fed. R. Civ. P. 7(f), which will include a request that the Court strike Mulvadi's Answer and enter an order of default. This is the first time Plaintiffs have requested leave to file an overlength brief in this matter.

Plaintiffs brought this lawsuit against Mulvadi and twenty-one other Defendants, alleging that Defendants falsely identified Kona as the source of their coffee in violation of the Lanham Act. *See* Dkt. 381; 15 U.S.C. §1125. Most of the defendants have litigated in good faith and complied with their discovery obligations.

1 Mulvadi has not. Over the past two years, Mulvadi has submitted perjured testimony, refused  
2 to cooperate in discovery, refused to follow the stipulated ESI Order, and has not complied with the  
3 Court's subsequent discovery orders. *See* Dkt. 248 (granting Plaintiffs' Motion to Compel  
4 Discovery); Dkt. 274 (denying Mulvadi's Motion for Reconsideration); Dkt. 487 (granting  
5 Plaintiffs' Second Motion to Compel Discovery and warning sanctions shall be imposed if Mulvadi  
6 fails to comply); Dkt. 523 (denying Mulvadi's Motion for Clarification and imposing sanctions).  
7 Mulvadi does, however, continue to sell and profit from its "100% Kona" products, even though  
8 these products do not appear to contain a meaningful amount of Kona coffee. *See* Dkt. 381 ¶¶ 13,  
9 70-72, 136-39. The Court recently sanctioned Mulvadi for refusing to comply with its discovery  
10 order, *see* Dkt. 523, yet Mulvadi still has not complied with even that sanctions order.

11 Plaintiffs' Motion will seek entry of default and other sanctions for Mulvadi's discovery  
12 misconduct and repeated violations of the Court's unambiguous orders. While default is an  
13 extraordinary and harsh sanction, Plaintiffs' motion will show that this relief is necessary and  
14 appropriate because of Mulvadi's repeated misconduct. Plaintiffs seek leave to file this 24-page  
15 brief so that they may provide the Court a complete record of Mulvadi's misconduct, which includes  
16 perjury, multiple willful violations of the Court's Orders, disregard of the federal rules governing  
17 discovery, and repeated gamesmanship.

18 Because the Motion is potentially dispositive and given the gravity of the issues, consistent  
19 with the page limits for summary judgment motions, Plaintiffs request leave to file a 24-page brief.

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1 Dated this 12th day of November 2021.

2 KARR TUTTLE CAMPBELL

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CERTIFICATE OF SERVICE

I, Sherelyn Anderson, affirm and state that I am employed by Karr Tuttle Campbell in King County, in the State of Washington. I am over the age of 18 and not a party to the within action. My business address is: 701 Fifth Avenue, Suite 3300, Seattle, Washington 98101. On this day, I caused to be filed with the Court a true and correct copy of the foregoing via the Court's electronic filing system, which caused service of the document to all parties registered to receive notifications through CM/ECF.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge.

Dated this 12th day of November 2021, at Seattle, Washington.

s/ Sherelyn Anderson

Sherelyn Anderson  
Litigation Legal Assistant